

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG,)
)
)
Plaintiff,)
)
)
v.) 1:23-cv-380
)
)
NORTH CAROLINA and)
KOURY CORPORATION,)
)
)
Defendants.)

ORDER

This matter is before this court for review of the Recommendation ("Recommendation") filed on October 2, 2023, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) The Recommendation was served on the Plaintiff on October 2, 2023. (Doc. 3.) Plaintiff timely filed Objections. (Doc. 4.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."

After de novo the court has made a determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

Plaintiff submits, as part of his objection, a "Complaint for Leave." Plaintiff's Complaint for Leave alleges a different set of operative facts, occurring in 2023, instead of 1959 as originally alleged. Notably, Plaintiff alleges that defendant "failed to conform to the requirements of the federal constitution," in October 2023. (Doc. 4-1 at 1.) However, Plaintiff alleges he was denied hotel accommodations on November 30 and December 1, 1995. (Id.) Plaintiff fails to allege any plausible facts as to October 2023 and, further, fails to allege any facts to suggest the Recommendation is in error.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED** without a certification that an appeal would have any merit.

IT IS FURTHER ORDERED that Plaintiff shall pay \$100 as a monetary sanction for this continuation of his long-standing pattern of frivolous litigation conduct.

IT IS FURTHER ORDERED that Plaintiff is **ENJOINED** from filing any document with this court in any case unless and until he first pays any outstanding monetary sanction(s) and that any

documents submitted to the court by Plaintiff prior to such payment be held for his retrieval or returned to him without docketing.

A Judgment dismissing this action will be filed contemporaneously herewith.

This the 22nd day of January, 2024.

William L. Osten, Jr.
United States District Judge